

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
96 BROADWAY LLC, its members, DOUGLAS
DOLLINGER MICHAEL MOLUS and CAROL
MOLUS, DOUGLAS R. DOLLINGER, and the
LAW OFFICES OF DOUGLAS R. DOLLINGER,
individually and others so similarly situated,

07 Civ. 6689 (SCR)
ECF Case

Plaintiffs,

-vs-

THE CITY OF NEWBURGH, et al.,

Defendants.
-----X

**NOTICE OF MOTION TO DISMISS COMPLAINT AGAINST
MICHAEL GABOR FOR FAILURE TO STATE A CLAIM**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, and all prior proceedings had herein, on December 21, 2007, at 9:30 a.m. or as soon thereafter as counsel may be heard, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, defendant Michael Gabor shall move this Honorable Court, at 300 Quarropas Street, White Plains, New York, for an order dismissing the Complaint against him for failure to state a claim upon which relief may be granted.

Dated: November 21, 2007

Respectfully submitted,

S/_____
STEPHEN BERGSTEIN (6810)

BERGSTEIN & ULLRICH, LLP
15 Railroad Avenue
Chester, New York 10918
(845) 469-1277
Counsel for defendant Michael Gabor

To: Douglas Dollinger, Esq.
Attorney for Plaintiffs
40 Mathews Street, Suite 101
Goshen, New York 10924

Steven Milligram, Esq.
Nicholas A. Pascale, Esq.
Tarshis, Catania, Liberth, Mahon & Milligram
Attorneys for Defendant City of Newburgh et al
1 Corwin Court
P.O. Box 1479
Newburgh, N.Y. 12550

Monte Rosenstein, Esq.
Attorney for William Cummings
250 Crystal Run Road
PO Box 2215
Middletown, N.Y. 10940